

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1362 OF 2007

1.Smt.Sharada Balkrishna Shetty,
2.Smt.Savitri Narayan Gowda,
3.Smt.Amnibai Pujari, &
4.Smt.Gulabbai Gopal Pujari. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

.....
Mr.D.A.Nalawade, Adv. i/b. C.S.Patil, Adv. for
the Applicants.
Mr.S.R.Shinde, APP, for the State.
.....

CORAM : SMT.V.K.TAHILRAMANI, J.

DATED : 5th June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking anticipatory bail in Special L.C.No.19 of 2007 of Dr.D.B.Marg Police Station. The said case is under Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956.

3. It is the prosecution case that 13 minor girls were rescued from the premises of the

present applicants and that these minor girls have been forced into prostitution. After the minor girls were rescued, they are sent for medical examination. The record relating to medical examination of these 13 girls show that all the girls were major at the time they came to be rescued. The statements of all the 13 girls have been recorded. All the 13 girls have categorically stated that they are doing the job of prostitution of their own free will. These 13 girls have also stated in their statements that they are major. Thus, it is clear that the present applicants have not forced any of these 13 girls into prostitution.

4. From the record, it is clear that these 13 girls have not been kidnapped nor detained by the applicants. As far as Sections 5 and 6 of the PITA Act are concerned, the record does not show that the applicants procured or attempted to procure the 13 girls without their consent for the purpose of prostitution or induced them to go from any place with intent that they may for the purpose prostitution become the inmate of brothel.

So also the material on record does not show that the applicants detained the 13 girls in the brothel with intent to do prostitution. None of the victim girls have made any complaint against any of the applicants in respect of any sort of cruelty or any harassment being caused to them by any of the applicants. None of them have stated that they have been forced into prostitution by any of the applicants. On the other hand they have stated that they are willingly doing the business of prostitution. Thus, prima facie, it appears that in the present case only 3, 4 and 7 of PITA Act would be attracted. The maximum punishment for Section 3 is three years, for Section 4 is two years and for Section 7 is three months.

5. Mr.Shinde, the learned APP has stated that one of the coaccused Savitri has antecedents and she has earlier been convicted in a similar case hence she would be liable to more punishment, if convicted.

6. However, looking to the facts of this case,

I am of the opinion that the custody of any of the applicants is not necessary. Hence, I am inclined to grant them anticipatory bail.

7. In the event of arrest, the applicants- Smt.Sharada Balkrishna Shetty, Smt.Savitri Narayan Gowda, Smt.Amnibai Pujari, and Smt.Gulabbai Gopal Pujari to be released on bail in the sum of Rs.40,000/- each with one or two sureties to make up the said amount. The applicant shall report to Dr.D.B.Marg Police Station initially for one month as and when required by the Investigating Officer; and thereafter once in a week till conclusion of the trial.

8. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI, J.)